

6/16/06

DAC
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	PRESTA ET AL.	Examiner:	M. BELYAVSKYI
Serial No.:	10/027,736	Group Art Unit:	1644
Filed:	DECEMBER 19, 2001	Docket:	11669.92US01
Confirmation No.:	9756	Notice of Allow. Date:	MARCH 15, 2004
Customer No.:	23552		
Title:	NON-HUMAN PRIMATE Fc RECEPTORS AND METHODS OF USE		

1811

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 408488611 US
Date of Deposit: June 15, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Ext, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Sheryl A. Boerboom
Name: Sheryl A. Boerboom

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Request for Patent Term Adjustment Under 37 C.F.R. 1.705(b)
- ☒ Check in the amount of \$200.00 for patent term adjustment fee
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: Katherine M. Kowalchuk
Name: Katherine M. Kowalchuk
Reg. No.: 36,848
KMKowalchuk:sab



S/N 10/027,736 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

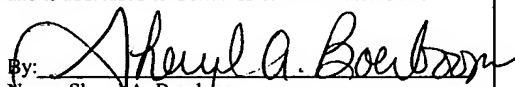
Applicant:	PRESTA ET AL.	Examiner:	M. BELYAVSKIY
Serial No.:	10/027,736	Group Art Unit:	1644
Filed:	DECEMBER 19, 2001	Docket No.:	11669.92US01
Confirmation No.:	9756	Customer No.:	23552
Title:	NON-HUMAN PRIMATE Fc RECEPTORS AND METHODS OF USE		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 408488611 US

Date of Deposit: June 15, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents and Trademarks, Washington, D.C. 20231.

By: 
Name: Sheryl A. Boerboom

REQUEST FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request reconsideration of the patent term adjustment indicated in the Notice of Allowance. The requisite fee of \$200.00 set forth in 37 C.F.R. §1.18(e) is enclosed.

Statement of the Facts

1. The Notice of Allowance mailed for this application indicated a patent term adjustment of 153 days. Applicants respectfully submit that a patent term adjustment of 157 days is indicated by the Rules.

2. 37 C.F.R. § 1.703 provides for a patent term adjustment for the number of days in the period beginning the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a), and ending on the date of mailing of an action under 35 U.S.C. 132. The first action on the merits taken by the Patent Office was a Restriction

Requirement mailed December 29, 2003. Thus, the Patent Office caused a delay of 313 days in excess of the 14 month deadline imposed by C.F.R. § 1.703.

3. Applicants filed the present application on December 19, 2001. On March 1, 2002, the Patent Office mailed a Notice to File Missing Parts, requiring Applicants to file an Oath/Declaration and a Sequence Listing. On February 11, 2002, Applicants submitted a Declaration and Sequence Listing, thereby complying with the Notice. Therefore, Applicants fully replied to the Notice to File Missing Parts within the 3-month response period allowed before Applicants begin to accrue a delay for Patent Term Adjustment purposes under 37 C.F.R. 1.704(b), and therefore incurred no delay in the prosecution of the application.

4. On June 17, 2002, the Patent Office mailed a Notice to Comply, asserting that Applicants' Sequence Listing did not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823. On August 19, 2002, Applicants submitted a new sequence listing. Therefore, Applicants incurred a delay of 116 days, measured from April 25, 2002, the day after filing the response containing the omission, to August 19, 2002, the date Applicants filed a response correcting the omission. Applicants submit that the Patent Office's calculation of a 120 day delay for this period is erroneous.

5. Applicants filed a Supplemental Information Disclosure Statement (IDS) on March 2, 2004. Since this IDS was filed after a reply was filed to a Restriction Requirement on January 22, 2004, Applicants incurred a delay of 40 days in the prosecution of the application.

6. Applicants submit that there were no further circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application as set forth in 37 C.F.R. § 1.704.

7. The Patent Office has calculated 160 days of delay on the part of the Applicants and 313 days of delay by the Patent Office, resulting in a Patent Term Adjustment of 153 days. Applicants submit that this calculation is erroneous. In fact, as noted above, Applicants only caused a delay of 156 days. Therefore, Applicants submit that they are entitled to a Patent Term Adjustment of 157 days.

6. Applicants submit that the present application is not subject to a terminal disclaimer.

7. Applicants respectfully request that the term of the patent be extended for a period of 157 days.

8. If there are any outstanding issues or a need for any clarification on this matter, the Patent Office is invited to telephone the undersigned attorney.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: June 15, 2004

Katherine M. Kowalchyk
Katherine M. Kowalchyk
Reg. No. 36,848

